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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,688

05/09/2006

Johannes De Jonge

9562-8

9761

20792 7590 12/28/2007  
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EXAMINER

KLAUS, LISA NHUNG

ART UNIT

PAPER NUMBER

2832

MAIL DATE

DELIVERY MODE

12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/561,688

Applicant(s)

JONGE, JOHANNES DE

Examiner

Lisa N. Klaus

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the Amendment filed on 10/31/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art, figure 4A in view of Takiguchi et al. (US 6,781,076).

The Admitted Prior Art discloses a rocker key device comprising:

- a set of switch domes 4 mounted in a pattern on a support structure;
- the outputs of adjacent switch domes are operatively connected to inputs of a common AND circuit.

- Regarding claim 1, the Admitted Prior Art does not disclose a circular pattern.

It would have been an obvious matter of design choice to change the square shape of the pattern as taught by the Admitted Prior Art to the circular pattern for the purpose of suitability for the intended use, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

- Regarding claim 1, the Admitted Prior Art does not teach the AND circuit.

Takiguchi discloses the swing type multi-way switch comprising AND circuit (col. 12, lines 35-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the AND circuit as taught by Takiguchi with Prior Art's device for the purpose of using the directional multi-way switch without need to add any projections and corresponding switch elements.

- Regarding claim 2, the Admitted Prior Art discloses:

- the switch domes 4 are equally distributed around the pattern with the same distance to the centre of the pattern;

- Regarding claim 3, the Admitted Prior Art discloses:

- the set of switch domes 4 comprises eight switch domes;

- Regarding claim 4, the Admitted Prior Art discloses:

- the switch dome device and switch dome actuator 2 for actuating switch domes 4;

- Regarding claim 5, the Admitted Prior Art discloses:

- the actuator 1 is a rocker key provided with actuator bosses 6 for actuating the switch domes 4;

- Regarding claim 6, the Admitted Prior Art discloses:

- the actuator 1 is a joy stick;

- Regarding claim 7, the Admitted Prior Art discloses:

- see the rejection claims 1-6;

2. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art, figure 4A in view of Kennedy (US Pub 2005/0143124).

- Regarding claim 8, the Admitted Prior Art does not disclose a display.

Kennedy discloses a mobile terminal with ergonomic imaging functions comprising:

- the display 104.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to position the switch domes on the support structure on 22,5/67,5/112,5/157,5/202,5/247,5/292,5/337,5 for the purpose of suitability for the intended use, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

- Regarding claim 9, the Admitted Prior Art discloses:

- the electronic equipment is a mobile radio terminal (page 1, line [0005]).

### ***Response to Arguments***

3. Applicant's arguments filed 10/31/07 have been fully considered but they are not persuasive.

- In the REMARKS, paragraphs 2-4, applicant argues that the independent claims 1, 4 and 7, directed to "the switch dome device is responsive to only two ....for operating a function". This argument is not found to be persuasive because Takiguchi clearly describes the functions only being performed when two domes adjacent with one another are actuated simultaneously (see col. 12, lines 27-51).

**Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571) 272-1993, and whose fax number is (571) 273-1993. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571) 272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

December 10, 2007

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
12/26/07